

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Name and address of Plaintiff:

Michael Allen #LT8785  
SCI-DALLAS 1000 Follies Road  
DALLAS, PA 18612

19-1258

v.

Full name, title, and business address  
of each defendant in this action:

CO1 Hollowood (SCI-Fayette) ①  
CO1 Griffith (SCI-Fayette) S.G.T.  
Sheldon, (SCI-Fayette) LT on Sec ④

⑤ Hearing Examiner Kerri Cross (SCI-FYT)  
⑥ Lt. Wood, ⑦ S.G.T. Pierce ⑧ Medical  
Dept. ⑨ Rhonda House Grievance Coordinator

Use additional sheets, if necessary

Number each defendant.

RECEIVED

SEP 17 2019

CLERK, U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

Plaintiff brings this action against the above named and identified defendants on the following cause of action:

I. Where are you now confined? SCI-DALLAS

What sentence are you serving? Minimum 2028

What court imposed the sentence? IS needs to

II. Previous Lawsuits

A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs Michael Shearman Allen SR.

Defendants C.O. Edward Settle, et.

2. Court (if federal court, name the district; if state court, name the county) and docket number

Eastern District

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Name and address of Plaintiff:

Michael Allen #LT 8785  
SCI-DALLAS 1000 Folkes Road  
DALLAS, PA 18612

v.

Full name, title, and business address

of each defendant in this action:

⑩ Wayne Linniss, Staff Assistant,  
EASTERN REGION 1920 Technology Parkway,  
Mechanicsburg, PA 17050

⑪ D. Varner, Chief Grievance Officer,  
1920 Technology Parkway Mechanicsburg PA  
17050 ⑫ Mark V. Capozza, Facility Man. (SCI Fayette)  
Use additional sheets, if necessary ⑬ Macias COT, Fayette  
Number each defendant. . .

Plaintiff brings this action against the above named and identified defendants on the following cause of action:

I. Where are you now confined? SCI-DALLAS

What sentence are you serving? Minimum 2028

What court imposed the sentence? 15 years 40-

II. Previous Lawsuits

A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs Michael Sherman Allen SR.

Defendants C.O. Edward Settle, et.

2. Court (if federal court, name the district; if state court, name the county) and docket number  
EASTERN District

3. Name of judge to whom case was assigned Savage
4. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)  
Settlement

5. Approximate date of filing lawsuit March 15, 2016
6. Approximate date of disposition Uncertain

B. Prior disciplinary proceedings which deal with the same facts involved in this action:

Where? Graterford

When? November 14, 2014

Result: Settlement

- III. What federal law do you claim was violated? Eighth and Fourteenth Amendment, Deliberate Indifference

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

- A. Date of event: February 25, 2019
- B. Place of event: A Block, at SCI-Fayette
- C. Persons involved--name each person and tell what that person did to you: Word got around, that I put a claim on C.O. Edward Settle (white man, belonging to Correctional Officer Brotherhood, COAB) and it drove him to his death, as we were approaching trial. C.O.'s called me a snitch for that claim, as well as a scum bag, due to his death and began to harass me in every possible way, which led to me being on the telephone, around 6:30 PM on 2-25-19, speaking to Minister Deborah Baker, when C.O. Hollowood, Macies and Bailey violated policy by entering my cell, without me or my cell mate being

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present. I watched them enter from my sit on the telephone as well as S.G.T. Sheldon fail to intervene, as A Block was his obligation to supervise. I made minister Baker aware of their actions and we agreed that I should go and see, if they were attempting to plant something in my cell, illegal then call her back; after they were in my cell for several minutes. Once S.G.T. Sheldon saw me approaching my cell to see what they were up to, he decided to trail me, as I witness Hollowood carelessly and destructively, tearing my CPAP machine apart, in ways it wasn't meant to be disassembled. As Gaffey prevented me from entering my cell or witnessing the rest of their vandalism to my property, I made mention that my CPAP machine meant life or death to me, so please be easy with it as he should let medical handle it, consistent with procedures. Hollowood replied with a Trump quote, saying "He could do whatever he wants, cause he's an American" then instructed Gaffey to search me. Gaffey ordered me to get search and return to block out, as I was not allowed to witness the cell search. I looked to S.G.T. Sheldon to intervene but he didn't and I allowed Gaffey to pat search me, then I went to join block out. T.I., I was suddenly stopped by my underwear cutting into my testicles and my rectum as Gaffey pulled on them (underwear) to prevent me from leaving as he noticed I had sweat pants under my brown pants. Gaffey, then instructed me to take everything out of my pockets and hand it to him, as well as pull my pants down on the tier, in front of all the inmates on the block. This unusual and degrading order, that I still followed, forced me to refer to S.G.T. Sheldon about stripping in // of the block, as I simultaneously attempt to hand

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Gratley my lighter and two cigarettes from my pocket. My questioning the order, seem to infuriate Hollowood, who ran from my cell, onto the tier and began attacking me with deadly force of his elbow crushing my adams apple. Trying to avoid him, penetrating his target that he viciously searched by smashing his entire arm into my throat as I stood with my arms raised above my head, I continued to pull my head back ward, moving from side to side as I plead for S.B.T. Sheldon to intervene. After several minutes and inmates yelling for them to stop, I notice they were trying to kill me, as Gratley and S.B.T. Sheldon tried to hold my arms down, while Macias tried to pull me into the cell, away from witness, as I continued to now, push Hollowood forearm from my throat, but remain non-aggressive. Gratley Macias were trying to hold my arms while Hollowood yelled "Nigger" and continuously attempted to pull my head down into his knee, then tried to break my neck, when that didn't work. He yelled out "I punched a fucking guard" and all of these unknown C.O.'s ran in hot as Hollowood suspected, as they grabbed my legs, arms and though I showed no resistance, they (S.B.T. Sheldon lead) dove on my back while I was down. Hollowood said "Break the Nigger fingers" so, somebody grabbed my hands behind me and was trying to break my fingers, individually. The pain and fear, caused me to pull my arms away, which they hope appear as resistance, to justify more abuse. As, the guards began to kick me in my head and face, stomping my hands, then Hollowood



pressed his foot against my head, that they forced against the wall, so he could step on my head with all his weight and bounce up and down, in attempt to break my eye socket, which is their signature move!

#2 The commanding Lt. that overseen all the officers and this incident, who I can't yet identify, had ordered the guards with the video recorder, to keep it off and downstairs on the 1st level, while they assaulted me on the 2nd level. After, several more minutes of abuse, the L.T. ordered them to pick me up on my feet and to put a spit cloth over my head to cover up my bloody face for the video and to suffocate me! On top of surface injuries, my chest tightened up with pain and I could not breathe as I remember passing out, on my way, being escorted down the steps. The L.T. then, introduced himself as the commanding and escorting officer, on video while officers held me on the ground and was stomping on my hands, out side of the view of the video. I was placed in a wheelchair, where my arms were placed in back of me, so the wheels could burn and rub my skin off my arms, as they push me and the L.T. threatened "They would kill me, if I made any certain or sudden move". They escorted me to the infirmary, where they tried to "intimidate the nurse (name unknown but on admittance or incident form) to medically clear me, for RTH (Hole)

transfer but I was in so terrible of shape, barely breathing, irregular heart beat and physical bruises that they decided to put me in a glass cell, made for mental health inmates, to either heal or die. As they (medical + officers) were fully aware that I need CPAP machine to breathe at night, especially after being diagnosed with a breathing issue! But they kept me in the glass cell, with no electric or CPAP machine, over 3 days. During that time, they attempt Xrays and test, that they had okay with security to do, but wouldn't document direct injury from assault or serious harm, nor the issues that I was most concerned about and complained about. Every sick call slip I submitted, ended with them charging me money that I didn't have, to discourage me complaining, as well as no physical examinations as Nurses examined me through glass cell doors, dismissals of my pain complaints, lost of hearing, injured back, shoulder and re-aggravated nerve damage, which is now, worst. As they ignored or down played my complaints, in conspiracy.

#3 I wrote greivances about the incident as they wrote me up for misconduct. I used the video of the incident from the block as my witness, in both incidents. I had to ~~wait~~<sup>wait</sup> for the hearing examiner Kerri Cross to review video, before she made her decision of my guilt eventhough I presented clear cut evidence of the eva's on the misconduct that policy say dismiss for. And

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she found me guilty after 3 to 4 weeks, due to her not being able to get hold of video that Lt. Woods, Captain SILEY and everybody else, admit exist, was viewed and held for later litigations. Lt. Woods investigation of grievance, led to him telling me in my face that Hollowood lied about me having a weapon of long wood in my hand and it was I'm proper Force. They upheld my entire grievance in whole, concerning a racial assault and e.t.c. but failed to compensate me, for my requested relief and actions on the grievance. So I was forced to exhaust my remedies, as Mark Volapozza (Facility Manager) denied me, falsely claiming grievance #789809 was upheld in part oppose to ALL. Then, D. Varner denied it at Final level, due to poor copy of original grievance when we only have D.O.R. library to make copies and D. Varner could've got the original copy of grievance, if the objective was to be impartial.

#4 Once, in the R.H.U., I received a copy of a property receipt, with most of my property missing (sneakers, glasses, typewriter, pictures, magazines, legal work & e.t.c.) So, I wrote grievance on that, which R. House denied, due to me needing proof of my property. I wrote S.G.T. Pierce, who has proof of all our purchases, keep count so we don't purchase over our approved limit and he refused to provide me with necessary proof of purchases & ownership. As they destroyed the proof I had in my property and they



used a policy that I was over the limit on clothing items and e.t.c. that they confiscated, though I was way underneath the shipping weight, when I was transferred from Fayette to Dallas and we're not allowed to purchase some of the property I had any more, like athletic T-shirts & e.t.c.

#5 I wrote Shirley Moore Smeal, about an incident at DALLAS and Wayne Inniss (Staff Assistant) took it upon himself, to write me back with symbolic threats concerning the grievance system, my grievances and sent copies to Superintendent here, to make them aware of my presence and urge them to harass me.

I seek examinations from doctors of my choice, outside of D.O.C. to first discover and document my injuries, as no D.O.C. medical department is going to diagnose me fairly. I want to be released from D.O.C. prisons, due to fear of my life from a 2nd assault, in a different institution, on the other side of the state! I want financial compensation for my mental, emotional, physical and spiritual abuse, as well as future earning I can't pursue, due to my damage from abuse. I want misconducts removed from record, my status #2 returned and to pay every month, rather employed or not. Transfer to prison of choice. Property no longer sold, ordered to replace, along with payment. Family members not allowed to pick up in Prisons as employees or honor deceased officers at work, which encourage prejudice!

- V. Did the incident of which you complain occur in an institution or place of custody in this District?  
If so, where?

SCC - Fayette

and answer the following questions:

- A. Is there a prisoner grievance procedure in this institution?  
Yes ☒ No ( )
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?  
Yes ☒ No ( )
- C. If your answer is YES,
1. What steps did you take? All 3 tiers, from grievance coordination to Facility Manager then Chief Hearing EXAM,
  2. What was the result? Honored my grievance, then back peddled once I named my amount to settle, \$540,
- D. If your answer is NO, explain why not: For, bias excuses that is beyond an inmates capabilities.
- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?  
Yes ☒ No ( )
- F. If your answer is YES,
1. What steps did you take? Urged block Sgt, Unit Managers & others to intervene
  2. What was the result? Loyalty to co-workers that they assist in covering up violations

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Money for my abuse (substantial), Release from D.O.C. prisons or transfer to prison of choice, Misconducts removed and status lowered to 2nd Property no longer allowed, ordered since they destroyed it.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

9/11/19  
(Date)

Michael S. Allen Esq.  
(Signature of Plaintiff)